

1

AFGAN-3634

PATENT #20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT(S):	William P. Newton, Robert M. Lucci, and Thomas F. Batten		
APPLN. NO:	08/839,161	EXAMINER:	C. Cohen
FILED:	22 April 1997	ART UNIT:	3634
TITLE:	SUPPORT SYSTEM FOR LATERALLY REMOVABLE SASH		

RESPONSE TO NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 1.192(C) MAILED 12 JUNE 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The Notification of Non-compliance with the Requirements of 37 CFR 1.192(c) (Notification of Non-compliance) asserts that appellants have failed to present reasons in support of separate patentability of claims within groups. The Notification of Non-compliance also asserts that appellants must argue each claim separately.

Both of these assertions are incorrect. First, appellants have given reasons for separate patentability of claims within groups. For each of the many groups of rejected claims, the Brief first gives arguments warranting allowability of all the claims in the group and, following this, the Brief offers additional reasons warranting allowability of specific claims within the rejected group. This fully meets both the letter and spirit of the rule. The statement in item 7 of the Brief informs the Board that the many groups of rejected claims do not stand or fall as a group. Then, as each rejected claim group is argued in section 8, the Brief gives both reasons for allowing claims of the rejected group as a whole and then additional reasons for allowing claims within the group.


RECEIVED
JUL 26 2000
TDC-300 MAIL ROOM

Secondly, 37 CFR 1.192(c) does not include any additional requirement that appellants must argue each claim separately. The rule does not forbid argument for groups of claims and does not require a separate argument for each claim.

The Notification of Non-compliance does not mention recent telephone interviews between Examiner Cohen and appellants' attorney. In these interviews, Examiner Cohen called to propose amendments that would make allowable claims 1-11 and 53-90 if the remaining claims were canceled. Appellants' attorney refused to cancel the remaining claims, but was willing to make the amendments proposed for claims 1-11 and 53-90; because these were mostly redundant and did not make any real changes in claim scope.

Since appellants' Brief does meet the rule requirements, the Notification of Non-compliance should be withdrawn.

Respectfully submitted,
EUGENE STEPHENS & ASSOCIATES


Eugene S. Stephens, Reg. No. 20,649
56 Windsor Street
Rochester, New York 14605
Phone: (716) 232-7700
Facsimile: (716) 232-7188

ESS:cba

Dated: JUN 21 2000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231.

Date of Deposit: JUN 21 2000

Signature: 